

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:23-CV-4-M

JACINTO GOMEZ OVANDO, and)
MARIA DEL CARMEN PERALTA BAEZA,)
on behalf of themselves and all others similarly)
situated,)
)
Plaintiffs,)
)
v.)
)
MOUNTAIRE FARMS, INC., and)
MOUNTAIRE FARMS OF NORTH CAROLINA,)
CORP.,)
)
Defendants.)

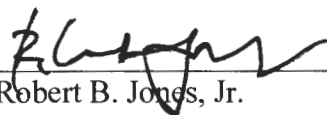
ORDER

This matter comes before the court on the parties' joint motion for a stay of proceedings pending mediation. [DE-113]. This case was filed on January 10, 2023, [DE-1], and after Defendants filed a motion to dismiss, [DE-18], Plaintiffs amended the complaint, [DE-22]. Defendants moved to dismiss the amended complaint, [DE-25], and the court ultimately granted in part and denied in part that motion, [DE-75]. The court entered a scheduling order on September 5, 2023, [DE-44], which identified the case as one subject to mandatory mediation pursuant to the Local Rules, and the parties selected Michael Russell as mediator, [DE-45, -46]. Plaintiffs filed a motion for conditional and class certification on April 12, 2024, [DE-78], and in response Defendants filed an emergency motion to extend Phase I Precertification Discovery deadlines and related briefing deadlines, [DE-81]. The court thereafter ruled on pending discovery motions and extended the Phase I case deadlines. [DE-83]; *see also* [DE-95] (further extending case deadlines). On August 22, 2024, Plaintiffs filed a supplemental memorandum in support of the motion for

conditional and class certification, [DE-96], and the following day Defendants filed a motion for summary judgment, [DE-97]. Responses to the motions are due September 23, 2024, and replies are due October 14, 2024. [DE-95]. The parties seek a stay in order to mediate the case prior to engaging in further briefing on the pending motions. [DE-113]. Although the parties selected a mediator a year ago, apparently mediation has not been scheduled at that time and the chosen mediator has “extremely limited availability through the end of the year.” Mot. [DE-113] ¶ 7. The parties are currently discussing replacement mediators and propose to stay all proceedings until January 23, 2025, to extend the parties’ respective deadlines to respond to the pending motions until the same date, and to extend the reply deadlines to February 13, 2025. *Id.* at 7–8.

This case has been pending for more than a year and half and although some extension of the deadlines to accommodate the parties’ mediation request may be in order, the court declines at this time to stay the case for more than four months. The court will hold the current briefing deadlines in abeyance pending the parties’ filing of a status report regarding their efforts to secure mediation date. The status report is due by no later than **September 26, 2024**.

SO ORDERED, the 12 day of September, 2024.



Robert B. Jones, Jr.
United States Magistrate Judge